



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,447	09/13/2000	Helen B. McIntosh	T2739-906589	7855
7590 01/30/2004			EXAMINER	
Edward J Kondracki Miles & Stockbridge PC 1751 Pinnacle Drive Suite 500 McLean, VA 22102			SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,447

Applicant(s)

MCINTOSH, HELEN B.

Examiner

Dmitry Suhol

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-27 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24-27 and 32-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desplace '105 in view of Laz "The Six Levels of a Happy Marriage" and Sherin '106. Desplace discloses a system for enabling communication between two parties containing most of the elements of the claims including, a set of instructions (col. 3, lines 9-11) as required by claim 24, a portable object to be disposed at a location selected for the two or more parties (col. 1, lines 44-46) as required by claim 24. A portable object being a sheet, as required by claim 26, is described in col. 2, lines 56-59.

Desplace fails to teach a script and package as required by claims 24 and 27. However Laz discloses a system for communicating between two parties which teaches providing a script including a plurality of phrases corresponding to the beginning of a respective statement (page 17, questions entitled "How do I feel...?"). Sherin discloses a system for fostering cooperative skill and communication skills which teaches that it is known to provide a portable package for storage of materials associated with the system (see abstract, element 12). Therefore it would have been obvious to one having

Art Unit: 3712

ordinary skill in the art, at the time of the claimed invention, to provide the system of Desplace with a script including a plurality of phrases corresponding to the beginning of a respective statement for the purpose of sharing your feelings and growing with one another, especially since the system of Desplace focuses on communication through expression of feelings through messages to each of the participants involved. It would have been further obvious to provide a portable package with the system of Desplace for the purpose of storage.

Regarding claims 25, it would have been an obvious matter of design choice to utilize rug as a portable object, since applicant has not disclosed that the use of a rug as a portable object solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the portable object of Desplace, especially since applicants clearly state that the portable object can be any object (page 6, lines 9 and 28-30).

Claims 32, 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desplace '105 in view of Sherin '106. Desplace discloses a system for enabling communication between two parties containing most of the elements of the claims including, a set of instructions (col. 3, lines 9-11) as required by claim 32, a portable object to be disposed at a location selected for the two or more parties (col. 1, lines 44-46) as required by claim 32. A portable object being a sheet, as required by claim 36, is described in col. 2, lines 56-59.

Desplace fails to teach a package as required by claims 32 and 34. Sherin discloses a system for fostering cooperative skill and communication skills which teaches that it is known to provide a portable package for storage of materials associated with the system (see abstract, element 12). Therefore it would have been further obvious to provide a portable package with the system of Desplace for the purpose of storage.

Regarding claims 35 and 37, it would have been an obvious matter of design choice to utilize rug as a portable object or to utilize a soft and pliable object as a portable object, since applicant has not disclosed that the use of a rug or a soft and pliable object as a portable object solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the portable object of Desplace, especially since applicants clearly state that the portable object can be any object (page 6, lines 9 and 28-30).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laz "The Six Levels of a Happy Marriage" in view of Sherin '106. Laz discloses a system for enabling communication between two parties containing most of the elements of the claims including with respect to claim 32, a set of instructions (considered to be the booklet), a portable object is considered to be the sheet of paper on which the letter (as described on page 17 would be written on).

Laz lacks the teaching of a container for packaging, as required by claim 32. However, Sherin discloses a system for fostering cooperative skill and communication

skills which teaches that it is known to provide a portable package for storage of materials associated with the system (see abstract, element 12). Thusly, it would have been further obvious to provide a portable package with the system of Laz for the purpose of storage.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laz "The Six Levels of a Happy Marriage" and Sherin '106, as stated above, and further in view of Lui et al '696. Laz, as modified by Sherin, discloses all the elements of the claims, as stated above, including a first statement describing an action taken by one of the parties (page 17, "...when you say No or We'll see") and a second statement describing a feeling on the part of the speaker (page 17, "How do I feel when...") as required by claim 33.

However Laz fails to explicitly teach a third statement describing a request on the part of the speaker as required by claim 33. Lui discloses a device for aiding communication which teaches that it is known to incorporate a statement describing a request on the part of the speaker in relation to an emotional feeling (element 172, and page 4, last 5 lines of paragraph 0039).

Response to Arguments

Applicant's arguments with respect to claims 24-27 and 32-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

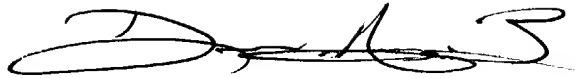
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Application/Control Number: 09/661,447
Art Unit: 3712

Page 7

ds

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a stylized flourish at the end.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700